IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24624 of 2004

Between:

G. Srinivas Rao, S/o. Butchi Narsimha Rao,
R/o. H.No. 2-2-413 (Plot No. 94/8A), Road No. 47,
Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1 Mandal Revenue Officer, Hanamkonda Mandal, Warangal District.
2 The Municipal Corporation of Warangal,
Warangal. rep by its Commissioner

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the impugned proceedings in R.C.No. B/1495/2004 dt. 7-10-2004, under section 7 of Madras Land Encroachment Act (3/1905) mentioning that the petitioner is an unauthorised occupant of the land specified therein, as arbitrary, illegal, unfair and unjust and consequently set-aside the same as the provisions of Madras Act 3/1905 are not applicable and also questioning the action of the respondents in proposing to lay a road through the land of the petitioner without issuing any notice and without initiating any proceedings and without paying any compensation as contemplated under the provisions of the Land Acquisition Act as arbitrary, illegal and violative of Articles 14 and 300-A of the Constitution of India and contrary to the mandatory provisions of the Hyderabad Municipal Corporations Act.

For the Petitioner: MR.P.KESAVA RAO, Advocate

For the Respondent No.1: GP FOR REVENUE

For the Respondent No.2: Mr. Polisetti Radhakrishna, SC for MCW

The Court at the stage of admission made the following :

ORDER:

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Heard the learned Counsel for the petitioner, learned Government Pleader for Revenue for first respondent and the learned Standing Counsel for second respondent-Municipal Corporation and with their consent the writ petition itself is disposed of at the stage of admission.

The grievance of the petitioner is that without passing any orders on the explanation dated 22-12-2004, submitted by him to the notice dated 07-10-2004, issued by the first respondent-Mandal Revenue Officer, under Section 7 of Madras Land Encroachment Act (3/1905) branding him as unauthorized occupant of 47.95 square metres of Government land, covered by portico of his house bearing No.2-2-419 of Lashkarsingaram, Hanamkonda, and calling upon his explanation in that respect, the respondents are trying to evict him therefrom, which is illegal and arbitrary.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider the explanation said to have been submitted by the petitioner, dated 22-12-2004 to the impugned notice dated 07-10-2004 and pass appropriate orders thereon in accordance with law. Till passing of such orders, the respondents shall not evict the petitioner from the property in question, if not already evicted. If the petitioner is aggrieved by the orders passed by the first respondent, he is at liberty to challenge the same.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 29-12-2004

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To

1 The Mandal Revenue Officer, Hanamkonda Mandal, Warangal District.

2 The Commissioner, Municipal Corporation of Warangal, Warangal.

3 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

4 Two CD copies.